


GP1638
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CERTIFICATE OF MAILING
37 C.F.R. 1.8

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January 10, 2005
Date


Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Martin Sagasser et al.

Serial No.: 10/030,386

Filed: May 16, 2002

For: PLANTS WITH MODIFIED GENE
EXPRESSION

Group Art Unit: 1638

Examiner: Russell Kallis

Atty. Dkt. No.: DEBE:005US/SLH

RESPONSE TO RESTRICTION REQUIREMENT DATED DECEMBER 9, 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated December 9, 2004 for which the date for response is January 10, 2005 since January 9, 2005 fell on a Sunday.

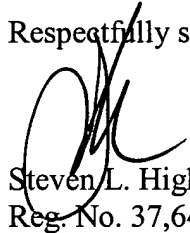
It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEBE:005US/SLH.

In response to the restriction requirement which the Examiner imposed, Applicants elect, to prosecute claims 13-22, 24-30, *i.e.*, the Group IV claims and SEQ ID NO: 4. However,

applicants traverse the selection of only SEQ ID NO: 1 and would request that examiner consider searching a nucleic acid SEQ ID NO: 2 as well, given the structural similarities between the two.

The Examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

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Date: January 10, 2005



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number 10/030,386

Filing Date May 16, 2002

First Named Inventor Martin Sagasser et al.

Art Unit 1638

Examiner Name Russell Kallis

Attorney Docket Number DEBE:005US

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/ Incomplete Application

☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation

☐ Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Postcard.

Remarks

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/DEBE:005US/SLH

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Fulbright & Jaworski LLP

Signature

Printed name

Steven L. Highlander

Date

01/10/05

Reg. No.

37,642

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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